HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4846 of 2007

Dated:09.03.2007

Between:

Smt.R.Hymavathi.

…Petitioner.

and

The APSRTC represented by its, Managing Director, Mushirabad, Hyderabad and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4846 of 2007

ORDER:

The petitioner is the owner of a bus, bearing No.AP 24 V 9189. It is hired by APSRTC, for being plied on the route from Nalgonda to Bhongiri. An agreement, in this regard, is said to have been executed in July, 2005.

One of the terms of the agreement is that the petitioner shall be paid at the rate of Rs.10.52 paise, per every operated kilometre, towards hire charges. This rate is subject to revision, depending on the fluctuation in the price of HSD oil.

The petitioner states that the Head Office of the Corporation issued a circular, dated 24.08.2005, modifying the rates, in view of the fluctuation in prices of diesel, and despite the same, she is not being paid the hire charges at revised rates. A representation, dated 11.10.2006, is said to have been made, in this regard. Her grievance is that no action has been taken thereon.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

Contractual relations, between the petitioner and the

respondents, in relation to hiring of bus of the petitioner, are governed by the terms of agreement. The agreement itself provided for payment of revised rates, in case there is any fluctuation of the price of HSD oil. To ensure uniformity throughout the State, the Head Office of the Corporation issued the Circular, dated 24.08.2005. Being general in nature, the circular ought to have been implemented, in relation to the contracts of all the eligible persons. Be that as it may, the petitioner made a representation in this regard. The 2nd respondent is under obligation to consider the same and pass appropriate orders.

Hence, the Writ Petition is disposed of, directing that the 2nd respondent shall take necessary action on the representation, dated 11.10.2006, submitted by the petitioner, in the context of extending the benefits under the circular, dated 24.08.2005, or any other instructions, which have bearing on the matter, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Dt.09.03.2007 **L.NARASIMHA REDDY, J**

GJ